

# COMMITTEE REPORT

---

## MR. PRESIDENT:

The Senate Committee on Health and Provider Services, to which was referred House Bill No. 1873, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 1, delete lines 1 through 17.
- 2 Page 2, delete lines 1 through 9.
- 3 Page 2, line 12, after "2.5." insert "(a)".
- 4 Page 2, line 12, delete "develop" and insert "adopt".
- 5 Page 2, between lines 15 and 16, begin a new paragraph and insert:
- 6 **"(b) In establishing the guidelines required under subsection (a),**
- 7 **the state department shall consider the following:**
- 8 **(1) A change in ownership of a hospice program.**
- 9 **(2) A change in management of a hospice program.**
- 10 **(3) A finding that a hospice program violated a federal**
- 11 **condition of participation for hospice licensure."**
- 12 Page 2, after line 21, begin a new paragraph and insert:
- 13 **"SECTION 3. [EFFECTIVE JULY 1, 2001] (a) As used in this**
- 14 **SECTION, "eligible individual" means an individual who:**
- 15 **(1) is a resident of a hospice;**
- 16 **(2) is receiving a routine home care level of care (as described**
- 17 **in 42 CFR 418.302(b)); and**
- 18 **(3) is eligible for Medicaid.**
- 19 **(b) As used in this SECTION, "office" refers to the office of**
- 20 **Medicaid policy and planning established by IC 12-8-6-1.**
- 21 **(c) As used in this SECTION, "room and board" means any**

1 inpatient services provided by a hospice in compliance with 42  
2 CFR 418.100 et seq.

3 (d) As used in this SECTION, "waiver" refers to a  
4 demonstration waiver for reimbursement of hospice room and  
5 board.

6 (e) Before January 1, 2002, the office shall apply to the United  
7 States Department of Health and Human Services for approval of  
8 the necessary demonstration waiver under Section 1115 of the  
9 federal Social Security Act (42 U.S.C. 1315) to provide a per diem  
10 amount for room and board for an eligible individual under the  
11 Medicaid hospice program in an amount equal to ninety-five  
12 percent (95%) of the average case mix per diem rate for Medicaid  
13 payments in effect for health facilities licensed under IC 16-28 as  
14 of July 1 of each year.

15 (f) If a provision of this SECTION differs from the  
16 requirements of a waiver, the office shall submit the waiver request  
17 in a manner that complies with the requirements of the waiver.  
18 However, if the waiver is approved, the office shall apply within  
19 one hundred twenty (120) days after the waiver is approved for an  
20 amendment to the waiver that contains the provisions under this  
21 SECTION that were not included in the approved waiver.

22 (g) The office shall notify the governor and the general assembly  
23 in writing regarding the determination of the United States  
24 Department of Health and Human Services concerning the waiver  
25 not later than five (5) days after the office is notified of the  
26 determination.

27 (h) The office may not implement the waiver unless the general  
28 assembly:

29 (1) approves the implementation of the waiver; and

30 (2) appropriates funds for implementation.

31 (i) The office may adopt rules under IC 4-22-2 necessary to

- 1       **implement this SECTION.**
- 2       **(j) This SECTION expires January 1, 2008."**
- 3       Renumber all SECTIONS consecutively.  
(Reference is to HB 1873 as printed February 20, 2001.)

**and when so amended that said bill do pass .**

Committee Vote: Yeas 8, Nays 0.

---

**Senator Miller, Chairperson**